

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LARRY BENSON,

Plaintiff,

v.

WEST COAST CONSTRUCTION, *et al.*,

Defendants.

CASE NO. C06-1630RSM

ORDER GRANTING PLAINTIFF'S
MOTION TO STRIKE

This matter comes before the Court on plaintiff's motion to strike portions of defendants' Answer and Affirmative Defenses. (Dkt. #10). Plaintiff asserts that, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, these portions should be stricken as immaterial to the claims alleged in the Complaint, and as impertinent and scandalous. Defendants respond that the challenged language is material to their defenses. (Dkt. #17).

Having reviewed plaintiff's motion, defendants' opposition, plaintiff's reply, the Court hereby finds and ORDERS:

(1) Plaintiff's Motion to Strike (Dkt. #10) is GRANTED. Rule 12(f) allows courts to strike from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter. For the reasons set forth in plaintiff's Reply brief, the Court agrees that the challenged portions of defendants' Answer, contained in their response to plaintiff's paragraph 12 of his Complaint and paragraphs 4-6 of their Affirmative Defenses, are immaterial,

1 impertinent and scandalous. Accordingly, the Court STRIKES the language challenged by
2 plaintiff.

3 (2) The Clerk shall direct a copy of this Order to all counsel of record.

4 DATED this 6 day of February, 2007.

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6 RICARDO S. MARTINEZ
7 UNITED STATES DISTRICT JUDGE
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